



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/349,638	07/08/1999	DANIEL J. SHOFF	MS1-089USC1	6866

22801 7590 01/21/2004

LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

EXAMINER

HUYNH, SON P

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 01/21/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/349,638

Applicant(s)

SHOFF ET AL.

Examiner

Son P Huynh

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 56,57 and 61-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 56,57 and 61-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12. 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see page 7, line 7+, filed on 10/08/03, with respect to the rejection(s) of claim(s) 56, 61-62 and 67 under 35 U.S.C. 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of new discovered reference(s).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 56, 61, 63-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman et al. (US 5,861,881) in view of Steele (US 5,884,056).

Regarding claim 56, Freeman discloses interactive computer 6 comprises memory 284;

Remote IR 628 for receives command from user input device. Controller 178 controls

Art Unit: 2611

Data Tuner 615 to receive program based on the command (figure 13). The controller 178 also examines the control data for the occurrence of a header code designating the onset of a trigger point in the program. When a trigger point is detected, predetermined additional information (audio segments, graphics data, etc.) is retrieved and displayed on the screen monitor (figure 10+ and col. 15, line 26+). Thus, Freeman teaches a viewer computing unit (6) for receiving and displaying continuous video content programs, comprising: a memory (284 – figure 13); a processor (178) programmed to determined whether the video content programs are interactive (determining trigger point in program); a tuner (615) to tune to channels carrying the video content programs; Freeman further discloses the predetermined additional information (audio and/or text/graphics) can be retrieved from Web site locations (col. 19, line 40+). However, Freeman does not specifically disclose an Internet browser stored in the memory.

Steel discloses storing Web browser in client machine 10 (col. 5, line 10+). Therefore, it would have been obvious to one of ordinary skill in the art to modify Freeman to use the teaching as taught by Steele in order to allow computer user to surf the Web.

Regarding claim 61, Freeman teaches computer-implemented a method for activating interactive supplemental content (audio and/or text/graphics) for a video content program upon tuning to a channel carrying the video content program, comprising: determining if a program is interactive compatible (determine trigger point in program), where an interactive compatible program is associated with target resources containing

Art Unit: 2611

data which support interactive functionality, the target resources being located by corresponding target specification (code of trigger point is linked to a predetermined source at head end, local storage, Internet -col. 15, line 60+);

in an event that the program is interactive compatible, retrieving a target specification associated with the program to activate the target resource in support of interactive functionality for the program (If the trigger point is detected, the audio and/or text/graphics from sources associated with the link of trigger point is displayed with program – col. 15, line 60+). However, Freeman does not specifically disclose an Internet browser.

Steel discloses storing Web browser in client machine 10 (col. 5, line 10+). Therefore, it would have been obvious to one of ordinary skill in the art to modify Freeman to use the teaching as taught by Steele in order to allow computer user to surf the Web.

Regarding claim 63, the claim is directed toward embody the method of claim 611 in “computer program”. It would have been obvious to embody the procedures of Hendricks discussed with respect to claim 61 in a “computer program” in order that the instructions could be automatically performed by a processor.

Regarding claim 64, Freeman teaches computer-implemented a method for activating interactive supplemental content (audio and/or text/graphics) for a video content program upon tuning to a channel carrying the video content program, comprising: determining if a program is interactive compatible by checking a channel (local storage)

Art Unit: 2611

separate from the channel carrying the video content program for presence of the supplemental content (interrogatory message is presented as graphics displays overlaid by the interactive computer workstation onto a video, wherein the graphics data is either sent in VBI of the composite interactive signal, stored on the hard disk or external storage, local storage, etc. col. 13, line 45+), where an interactive compatible program is associated with target resources containing data which support interactive functionality, the target resources being located by corresponding target specification (code of trigger point is linked to a predetermined source at head end, local storage, Internet -col. 15, line 60+);

in an event that the program is interactive compatible, retrieving a target specification associated with the program to activate the target resource in support of interactive functionality for the program (If the message is detected, user can select the message for displaying audio and/or text/graphics from sources associated with the selected information – col. 15, line 60+). However, Freeman does not specifically disclose an Internet browser.

Steel discloses storing Web browser in client machine 10 (col. 5, line 10+). Therefore, it would have been obvious to one of ordinary skill in the art to modify Freeman to use the teaching as taught by Steele in order to allow computer user to surf the Web.

Regarding claim 65, Freeman teaches a computer implemented method for activating interactive supplemental content (audio and/or text/graphics – col. 19, line 40+) for a

Art Unit: 2611

video content program upon tuning to a channel carrying the video content program, comprising the steps:

determining if a program is interactive compatible (col. 12, line 35+), where an interactive compatible program is associated with target source containing data which support interactive functionality in conjunction with the interactive compatible program, the target resources being located by corresponding target specifications (graphical interrogatory message is linked to a predetermined source at head end, local storage, Internet. –12, line 35+);

displaying an icon (graphical interrogatory message -col. 13, line 45+) to visually inform the viewer that the program is interactive compatible; and

in an event that the program is interactive compatible, retrieving a target specification associated with the program to activate the target resource in support of interactive functionality for the program (If the trigger point, set by user selection of the message, is detected, the audio and/or text/graphics from sources associated with the link, selected by user, is displayed with program – col. 12, line 37+). However, Freeman does not specifically disclose an Internet browser.

Steel discloses displaying an icon to visually inform the viewer that the program is interactive compatible (figure 7); and storing Web browser in client machine 10 (col. 5, line 10+). Therefore, it would have been obvious to one of ordinary skill in the art to modify Freeman to use the teaching as taught by Steele in order to allow computer user to surf the Web.

Art Unit: 2611

Regarding claim 66, Freeman teaches a computer-implemented method for activating interactive supplemental content (audio and/or text/graphics – col. 19, line 40+) for a video content program upon tuning to a channel carrying the video content program, comprising the steps:

determining if a program is interactive compatible (col. 12, line 35+), where an interactive compatible program is associated with target source containing data which support interactive functionality in conjunction with the interactive compatible program, the target resources being located by corresponding target specifications (graphical interrogatory message is linked to a predetermined source at head end, local storage, Internet. –12, line 35+);

displaying the interactive supplemental content in response to the viewer activating an icon (displaying audio and/or text/graphic in response to the viewer activating graphical interrogatory message – col. 12,line 37+)

in an event that the program is interactive compatible, retrieving a target specification associated with the program to activate the target resource in support of interactive functionality for the program (If the trigger point, set by user selection of the message, is detected, the audio and/or text/graphics from sources associated with the link, selected by user, is displayed with program – col. 12, line 37+); However, Freeman does not specifically disclose an Internet browser.

Art Unit: 2611

Steel discloses displaying the interactive supplemental content in response to the viewer activating icon 52 (figure 7); and storing Web browser in client machine 10 (col. 5, line 10+). Therefore, it would have been obvious to one of ordinary skill in the art to modify Freeman to use the teaching as taught by Steele in order to allow computer user to surf the Web.

Regarding claim 67, Freeman teaches computer-implemented a method for activating interactive supplemental content (audio and/or text/graphics) for a video content program upon tuning to a channel carrying the video content program, comprising: determining if a program is interactive compatible (determine trigger point in program), where an interactive compatible program is associated with target resources containing data which support interactive functionality conjunction with the interactive compatible program, the target resources being located by corresponding target specification (code of trigger point is linked to a predetermined source at head end, local storage, Internet - col. 15, line 60+);

in an event that the program is interactive compatible, retrieving a target specification associated with the program to activate the target resource in support of interactive functionality for the program; automatically displaying the interactive supplemental content together with the program (If the trigger point is detected, the audio and/or text/graphics from sources associated with the link of trigger point is retrieved and automatically displayed with program – col. 15, line 60+). However, Freeman does not specifically disclose an Internet browser.

Art Unit: 2611

Steel discloses storing Web browser in client machine 10 (col. 5, line 10+). Therefore, it would have been obvious to one of ordinary skill in the art to modify Freeman to use the teaching as taught by Steele in order to allow computer user to surf the Web.

4. Claims 57 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman (US 5,861,881) in view of Steele (US 5,884,056) and further in view of Youman et al. (US 5,629,733).

Regarding claim 57, Freeman in view of Steele teaches a viewer-computing unit as discussed in the rejection of claim 56. Steele further discloses Internet browser in memory to activate the target resource (figure 4). However, neither freeman nor Steele specifically discloses an EGP stored in the memory and execute on the processor to organize program information.

Youman teaches an EPG stored in the memory and executable on a processor to organize program information, the EPG associating a target specification to a target resource with a video content programs (see figures 1, 19-21 and col. 8, line 8+).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Freeman and Steele to use the teaching as taught by Youman in order to provide information of programs to be broadcasted to viewer thereby allow viewer to easily find a program to watch.

Art Unit: 2611

Regarding claim 62, Freeman in view of Steele teaches a method as discussed in the rejection of claim 61. However, neither Freeman nor Steele specifically discloses the target specifications are correlated with program in a program listing, and further comprising the steps:

checking the program listing to ascertain whether the program is interactive compatible; and determining that the program is interactive compatible by presence of a target specification being associated with the program in the program listing.

Youman teaches the target specifications (sources where the interactive icon is linked to – figure 18) are correlated with program in a program listing, and further comprising the steps:

checking the program listing to ascertain whether the program is interactive compatible (checking the program listing for interactive icon 203 – figure 20); and determining that the program is interactive compatible by presence of a target specification being associated with the program in the program listing (target sources where the interactive icon is linked to –figure 20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Freeman and Steele to use the teaching as taught by Youman in order to notify user of interactive program thereby allow user to select interactive icon for further information.

Art Unit: 2611

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Dunn (US 6,668,377) teaches system for previewing video trailers.

Dillon (US 5,727,065) teaches deferred billing broadcast, electronic document distribution system and method.


McArthur (US 5,805,806) teaches method and apparatus for providing interactive networking between televisions and personal computers.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-306-0377.

Son P. Huynh
January 11, 2004


VIVEK SRIVASTAVA
PRIMARY EXAMINER